

ORDINANCE NO. 2013-33

ORDINANCE OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA AMENDING CHAPTER 98 ENTITLED "ZONING", ARTICLE III, DIVISION 3. SUBDIVISION PLATS, OF THE CODE OF ORDINANCES AND IN PARTICULAR, REVISING HIALEAH CODE § 98-348 ENTITLED "MINIMUM SIZE OF LOTS AND BLOCKS; PLATTING OF LANDS" TO REQUIRE A FLOOD HAZARD DISCLOSURE ON ALL SUBDIVISION PLATS; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; PROVIDING PENALTIES FOR VIOLATION HEREOF; PROVIDING FOR INCLUSION IN CODE; PROVIDING FOR A SEVERABILITY CLAUSE AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Planning and Zoning Board at its meeting of May 8, 2013 recommended approval of this ordinance; and

WHEREAS, the general purpose and intent of this ordinance is to provide proper zoning regulations in the best interest of the health, safety, welfare and aesthetics of the community and the proper administration of its government; and

WHEREAS, the specific purpose and intent of this ordinance is to require a flood hazard disclosure for all subdivision plats so that the City will obtain credit points in connection with a favorable flood rating in order to maintain low property insurance rates.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA, THAT:

Section 1: Chapter 98 entitled "Zoning", Article VI. Supplementary District Regulations, Division 9 Easements and Rights-of-Way, of the Code of Ordinances of the City of Hialeah, Florida is hereby amended, by revising Hialeah Code § 98-2156 entitled "Private roads", to read as follows:

Chapter 98

ZONING

* * *

ARTICLE III. PLANS AND PLATS

* * *

DIVISION 3. SUBDIVISION PLATS

* * *

Sec. 98-348. Minimum size of lots and blocks; platting of lands.

* * *

(b) *Blocks.* No plat of any subdivision in R-1, R-2, R-3 and R-4 residential zones shall be accepted by the city with any section, tract, block or other description that would be in excess of 600 lineal feet, unless such plat backs up to a lake, canal, railroad, or Florida Power & Light Company easement or right-of-way or tracts or public property.

(c) *Flood hazard disclosure.* All subdivision plats shall include an engineer's or surveyor's statement as to which lots, if any, are partially or completely located in an area of special flood hazard identified pursuant to the National Flood Insurance Act of 1968, as amended from time to time.

Section 2: Repeal of Ordinances in Conflict.

All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 3: Penalties.

Every person violating any provision of the Code or any ordinance, rule or regulation adopted or issued in pursuance thereof shall be assessed a civil penalty not to exceed \$500.00 within the discretion of the court or administrative tribunal having jurisdiction. Each act of violation and each day upon which any such violation shall occur shall constitute a separate offense. In addition to the penalty prescribed above, the City may pursue other remedies such as

abatement of nuisance, injunctive relief, administrative adjudication and revocation of licenses or permits.

Section 4: Inclusion in Code.

The provisions of this ordinance shall be included and incorporated in the Code of Ordinances of the City of Hialeah, as an addition or amendment thereto, and the sections of this ordinance shall be renumbered to conform to the uniform numbering system of the Code.

Section 5: Severability Clause.

If any phrase, clause, sentence, paragraph or section of this ordinance shall be declared invalid or unconstitutional by the judgment or decree of a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this ordinance.

Section 6: Effective Date.

This ordinance shall become effective when passed by the City Council and signed by the Mayor or at the next regularly scheduled City Council meeting, if the Mayor's signature is withheld or if the City Council overrides the Mayor's veto.

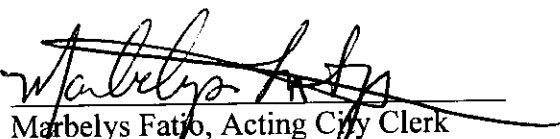
PASSED AND ADOPTED this 28 day of May, 2013.




Isis Garcia-Martinez
Council President

Attest:

Approved on this 31 day of may, 2013.

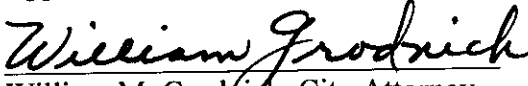


Marbelys Fatio, Acting City Clerk



Mayor Carlos Hernandez

Approved as to form and legal sufficiency:



William M. Grodnick, City Attorney

~~Strikethrough~~ indicates deletion. Underline indicates addition.


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Ordinance was adopted by a unanimous vote with Councilmembers, Caragol, Casals-Muñoz, Cue-Fuente, Garcia-Martinez, Gonzalez, Hernandez and Lozano voting "Yes".

**CITY OF HIALEAH
CITY ATTORNEY'S OFFICE**

MEMORANDUM

TO: Mayor Carlos Hernandez, and
Members of the Hialeah City Council

FROM: William M. Grodnick, City Attorney 

DATE: May 9, 2013

RE: Proposed ordinance-subdivision plats-flood hazard disclosure

The proposed ordinance provides for a new requirement that for all subdivision plats, there must be a flood hazard disclosure from an engineer or surveyor that any portion of the lots to be platted are located in a special flood hazard zone. This requirement will provide the City with extra points for its score according to the Community Rating System in order to maintain its low insurance rates for hazard insurance.

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